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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,483	01/31/2002	William Budge	MTI-31079-C	7667
22202	7590	06/09/2004	EXAMINER	
WHYTE HIRSCHBOECK DUDEK S C			MANDALA, VICTOR A	
555 EAST WELLS STREET			ART UNIT	
SUITE 1900			PAPER NUMBER	
MILWAUKEE, WI 53202			2826	

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/066,483

Applicant(s)

BUDGE ET AL.

Examiner

Victor A Mandala Jr.

Art Unit

2826

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

NATHAN C. PERRY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant continues to argue that the reference, U.S. Patent No. 6,121,086 Kuroda et al., does not teach the first nonconductive silicon oxide layer to be thicker than the second nonconductive silicon oxide layer, but the examiner still finds these arguments to be unpersuasive. The examiner will further explain the referenced rejection from the arguments detailed in the final rejection filed on 3/19/04. Kuroda et al. does teach the first nonconductive silicon oxide layer to be thicker than the second nonconductive silicon oxide layer because in Figure 25 the first nonconductive silicon oxide layer labeled by the examiner as #200 is visually thicker in the lateral sense than the second nonconductive silicon oxide layer labeled by the examiner as #100 and #200 is positioned around three sides of the gate labeled #7g2 and extends from the side walls of the gate in the lateral direction, where #100 surrounds only the top and one of the side walls and extends from the one of the side walls in the lateral direction and Kuroda et al. teaches that the components with equal function will be labeled with the same reference numeral, (Col. 6 Lines 66-67 & Col. 7 Lines 1-3), and where it is further taught that the gates 7g1 and 7g2 are the same, (Col. 9 Lines 66-67), thus if 7g1 is the same as 7g2 then 7g2 in the area of #200 is the same as the 7g2 in the area of #100. The exact dimensions may not be directly taught but it is obvious that the relationships between the gates 7g2 being the same as each other and that #200 surrounds 7g2 and #100 does not it would be obvious to one having skill in the art to conclude that #200 is laterally thicker than #100. The final rejection stands as